

10/582887

1AP20 Rec'd PCT/PTO 14 JUN 2006

Docket No. MTS5003USPCT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Harry Malyska et al.

Int'l Appln. No.: PCT/US2004/042531

Serial No. : Unassigned Art Unit: Unassigned

Filed : I.A. December 17, 2004 Examiner: Unassigned

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June 14, 2006

(Date of Deposit)

Catherine Kurtz Gowen  
(Name of applicant, assignee, or Registered Representative)

  
(Signature)

June 14, 2006

(Date of Signature)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this

information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with  the first or  second After Final Submission, therefore:

- Statement in Accordance with §1.97(e)  
(attached); or
- Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final

Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

- Statement in Accordance with §1.97(e) (attached); or
- Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with §1.97(e) as set forth below and the fee of \$180.00 as set forth in §1.17(p).

- Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.
- Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:

- In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.
- If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

Copies of only foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98 (a) (2).

There are no listed references which are not in the English language.

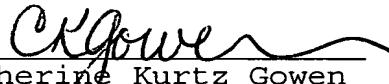
The relevance of those listed references which are not in the English language is as follows:

Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/MTS5003USPCT/CKG. This form is submitted in triplicate.

Respectfully submitted,

  
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DATED: June 14, 2006

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Substitute for form 1449A/PTO

INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 2

Application Number	10/582887
Filing Date	
First Named Inventor	Harry Malyska et al.
Group Art Unit	
Examiner Name	
Attorney Docket Number	MTS5003USPCT

## U.S. PATENT DOCUMENTS

Examiner Initials	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		Number	Kind Code <sup>2</sup> (if known)			
		2,770,572		Knud E.H. Eldon	11-13-1956	
		2,850,430		Walter C. Nelson	09-02-1958	
		3,074,853		John H. Brewer	01-22-1963	
		3,272,319		John H. Brewer	09-13-1966	
		3,424,558		Knud E.H. Eldon	01-28-1969	
		3,502,437		Morris Mass	03-24-1970	
		3,666,421		Richard Thompson Price	05-30-1972	
		5,338,689		Yves Lapierre et al.	08-16-1994	
		5,512,432		Yves Lapierre et al.	04-30-1996	
		5,552,064		Rosemary K. Chachowski et al.	09-03-1996	
		5,650,068		Rosemary K. Chachowski et al.	07-22-1997	
		5,863,802		Yves Lapierre et al.	01-26-1999	
		6,114,179		Yves Lapierre et al.	09-05-1999	

## FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	KindCode <sup>5</sup>				
		EP	0104801	A2	Ortho Diagnostic Systems Inc.	04-04-1984		
		EP	0485228	B1	Ortho Diagnostic Systems Inc.	05-13-1992		
		EP	0725276	B1	Ortho Diagnostic Systems Inc.	08-07-1996		
		EP	0755719	B1	Ortho Diagnostic Systems Inc.	01-29-1997		

Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

AP20 Rec'd PCT/PTO 14 JUN 2006

PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

Approved for use through 10/20/2018. GSA FPMR (41 CFR) 101-11.303.

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449A/PTO

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 2 of 2

**Application Number**

**Application  
Filing Date**

Filing Date

**First Name in  
Group Art Unit**

Group Art Unit  
Examiner Name

Examiner Name \_\_\_\_\_  
Attorney Docket Number \_\_\_\_\_

Harry Malyska et al.

Harry Malyska et al.

Substitute for form 1449A/PTO	Application Number Filing Date First Named Inventor Group Art Unit Examiner Name	10/582887 Harry Malyska et al.
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary) Sheet 2 of 2	Attorney Docket Number	MTS5003USPCT

#### OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

**1 Unique citation designation number. 2 Applicant is to place a check mark here if English language Translation is attached.**

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SUBMISSION UNDER MPEP 609 D		Application Number Filing Date	10/582887
		First Named Inventor	Harry Malyska et al.
		Group Art Unit	
		Examiner Name	
		Attorney Docket Number	MTS5003USPCT

## U.S. PATENT DOCUMENTS

## FOREIGN PATENT DOCUMENTS

#### OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Signature		Date Considered	
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